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SUBSIDIARY BODY FOR IMPLEMENTATION
Sixth session
Bonn, 28 July - 5 August 1997
Item 8 of the provisional agenda

ARRANGEMENTS FOR INTERGOVERNMENTAL MEETINGS

Note by the Executive Secretary

I. INTRODUCTION

A. Mandate

1. At its fifth session, the Subsidiary Body for Implementation (SBI):

(a) Requested the Executive Secretary to provide a note at its sixth session regarding arrangements for the third Conference of the Parties (COP 3), the organization of work and a list of possible elements for the provisional agenda for the Conference, taking account of views expressed at that session (FCCC/SBI/1997/6, para. 44 (b));

(b) Requested the secretariat to propose a calendar of meetings for 1998-1999 (FCCC/SBI/1997/6, para. 47 (b));

(c) Decided that it would recommend, at its sixth session, the date and venue of COP 4 (FCCC/SBI/1997/6, para. 47 (a)).

2. The present note deals successively with these three topics.

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B. Possible action by the SBI

3 The SBI is invited to:

(a) Give guidance to the secretariat regarding arrangements for COP 3, in particular, on the organization of its work and on the ministerial segment (see paragraphs 28-45);

(b) Confirm the calendar of meetings for 1998-1999, which is based on the decision of the SBI at its fifth session (two meeting periods per year of two weeks each);

(c) Make a recommendation regarding the date, and, if possible, the venue, of COP 4.

4 There are compelling reasons why the SBI should complete its consideration of all these points at its sixth session:

(a) The Executive Secretary should issue the provisional agenda for COP 3, including the annotations thereto and proposals for the organization of its work, at least six weeks before the opening of COP 3, that is, before the seventh session of the SBI;

(b) The number and duration of meeting periods is a key determinant of the programme budget for 1998-1999, on which the SBI is expected to make a firm recommendation at its sixth session;

(c) No offer to host COP 4 has reached the secretariat (as of 30 May 1997); fixing the date of COP 4 should make it easier for such offers to come forward in time for a decision to be taken by COP 3.

II. THIRD SESSION OF THE COP (COP 3)

A. Host country arrangements

5 At its fifth session, the SBI "took note with satisfaction of the arrangements that were being made by the Government of Japan as the host Party of COP 3 and it looked forward to additional information concerning these arrangements, in particular on the conclusion of a memorandum of understanding (MOU) between the Government of Japan and the secretariat of the UNFCCC related to the hosting of the session at Kyoto, Japan" (FCCC/SBI/1997/6, para. 44 (a)).

6 Discussions with the Government of Japan on practical arrangements and on an MOU have continued to advance. Advice on the latter has been sought from the United Nations

Office of Legal Affairs. Any additional information on these matters will be provided to the SBI at its sixth session.

B. Possible elements for the provisional agenda for COP 3

7. At its fifth session, the SBI "requested the Executive Secretary to provide a note at its sixth session, containing a list of possible elements for the provisional agenda for COP 3 focused on the completion of the work of the Berlin Mandate and its adoption and taking account of views expressed at its current session" (FCCC/SBI/1997/6, para. 44 (b)) and made recommendations on the organization of the work of COP 3.

8. Rules 10 and 11 of the draft rules of procedure, as applied, state that the provisional agenda for a session of the COP is to be drawn up by the secretariat in agreement with the President and circulated six weeks before the opening of the session (FCCC/CP/1996/2). As requested by the SBI, a list of possible elements for the provisional agenda of COP 3 is provided for its consideration (see annex II of this document). The Executive Secretary will take account of views expressed on this list at the session of the SBI when preparing a provisional agenda for the agreement of the President.

9. In the list of possible elements for the provisional agenda of COP 3, the focus on the completion of the Berlin Mandate process is provided by item 4.

10. Item 3, amendments to the Convention and its Annexes, is included in response to proposals for such amendments received by the secretariat. These are as follows:

(a) Kuwait has proposed to amend Article 4.3 by deleting the second sentence thereof and substituting a new one. The proposed new sentence would broaden the scope of funding under Article 4.3 and omit both the concept of agreement in relation to the costs to be funded and reference to Article 11.

(b) The Netherlands, on behalf of the European Community and its member States, has proposed the addition of a new paragraph under Article 17 (protocols), to be Article 17.1(bis), concerning the adoption of a protocol by a three-fourths majority of the Parties present and voting.

(c) Pakistan, at the request of Turkey, has proposed action by COP 3 to delete the name of Turkey from Annexes I and II to the Convention, by amendment of the annexes according to Articles 16 and 15 or through the review process envisaged in Article 4.2(f). Azerbaijan has made a proposal with the same intent, referring to Article 4.2(f).

11. The full text of these proposals for amendment will be circulated in a document of the COP. The SBI may wish to consider whether it would be useful for any or all of these proposals to be considered by a subsidiary body before COP 3 and, if so, to indicate which subsidiary body could undertake this task.

12 Item 5 in the list is derived from Article 7.2 of the Convention, which requires the COP to keep the implementation of the Convention under regular review. As drafted, this item is intended to cover consideration by COP 3 of the reports of the four subsidiary bodies and any action arising therefrom. It is expected that the reports of the subsidiary bodies on their sessions in October 1997 will contain recommended decisions for adoption by COP 3. The decision on the programme budget for 1998-1999 should be recommended by the SBI at its sixth session.

13 A separate sub-item under item 5 provides for the recurrent item on the development and transfer of technologies that is required by decision 13/CP.1, paragraph 4(a), and decision 7/CP.2, paragraph 5.

14 Item 5 could also serve as an umbrella for action on substantive matters that are not specified elsewhere on the agenda and have yet to be defined. For example, it could cover matters on which the COP is to take action not later than 31 December 1998 (Article 4.2(d) and Article 4.2(f)), if it were agreed that these matters should be dealt with at COP 3.

C. Organizational matters

1. Date

15 The SBI recommended that COP 3 be held from Monday, 1 to Wednesday, 10 December 1997 (FCCC/SBI/1997/6, para. 44 (c)(i)). The proposed organization of work is based on this recommendation.

2. Participation

(a) Notification and attendance

16 Rule 5 of the draft rules of procedure, as applied, provides that "the secretariat shall notify all Parties of the dates and venue of a session at least two months before the session is held" (FCCC/CP/1996/2). Formal notification of the third session will be communicated in due course to all Parties through the National Focal Points. For those Parties that have not yet identified National Focal Points, the notification will be sent to the Diplomatic Missions in Bonn, and to the Permanent Missions in New York or to the Ministries of Foreign Affairs for those Parties not represented in Bonn. The notification will be copied to Diplomatic Missions in Bonn and Permanent Missions in Geneva.

17 The notification will request that the representatives of Parties be provided with full powers to participate in the session by their Governments. These powers include the possibilities to vote and to serve as officers of the third session, of any sessional bodies and of all subsidiary bodies of the Convention.

(b) Financial support for participation

18. It is important that contributions to the trust fund for facilitating the participation of Parties in the UNFCCC process be forthcoming in the next few months, to ensure adequate support for participation in COP 3. It is hoped that it will be possible to fund two delegates from each Party that is a least developed country or an eligible small island developing country, and one delegate from each other eligible Party. Should funds be available, it would be possible to provide funding for two delegates from each eligible Party.

(c) Credentials

19. In accordance with rule 19 of the draft rules of procedure, as applied, the credentials of representatives of Parties, as well as the names of alternate representatives and advisers, shall be submitted to the secretariat no later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization. The Bureau of COP 3 shall examine the credentials and submit its report to the Conference in accordance with rule 20 of the draft rules of procedure, as applied. As stated in rule 21 of the draft rules of procedure, as applied, representatives shall be entitled to participate provisionally in the session, pending a decision by the COP to accept their credentials (CP/1996/2).

3. Rules of procedure

20. At its second session, the Conference of the Parties did not adopt its rules of procedure. Nevertheless, it decided to continue to apply the draft rules of procedure to its work. The President announced his intention to carry out further consultations during the inter-sessional period with a view to enabling the Conference of the Parties to adopt its rules of procedure at the outset of its third session (FCCC/CP/1996/15, para. 13).

21. It is to be hoped that the issues underlying the different positions on rule 42 ("Voting") will have been resolved by the start of COP 3, so that the rules may be adopted at the start of the session.

4. Officers

22. In accordance with rules 23 and 26 of the draft rules of procedure, as applied, the President of the second session of the COP will open and preside over the third session until it has elected a President for the session. The hosting of a session of the COP away from the headquarters of the secretariat traditionally confers the Presidency upon the host Government. The delegation of Japan has indicated its readiness to accept that responsibility, which is consistent also with the principle of rotation among regional groups. Further consultations will be required to determine the composition of the Bureau of COP 3, as well as the officers

of the subsidiary bodies, as appropriate, in accordance with the provisions of rule 22 of the draft rules of procedure, as applied. The SBI may wish to request the President of COP 2 to pursue informal consultations on the election of officers of COP 3.

23. The elected President of the third session will invite the COP to elect the remainder of its officers and the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention. Rule 27 of the draft rules of procedure, as applied, provides that "each subsidiary body shall elect its own Vice-Chairman and Rapporteur". It is proposed that, if there is agreement on the nominations of these officers of subsidiary bodies, the provisions of rule 27 should be waived to allow these officers to be elected directly by the COP in plenary session.

5. Admission of organizations as observers

24. The admission of intergovernmental and non-governmental organizations as observers is governed by paragraph 6 of Article 7 of the Convention, which provides, *inter alia*, that "Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object".

25. Following the practice of the UNFCCC, the secretariat will invite those intergovernmental and non-governmental organizations admitted to COP 1 and COP 2 to attend COP 3. Thus the procedure for admission to the COP will apply to new applicants only.

26. The secretariat will prepare a list of intergovernmental and non-governmental organizations that have expressed a wish to be invited to COP 3 for consideration by the Conference at the start of the session. In drawing up the list, the secretariat will take due account of the provisions of paragraph 6 of Article 7 of the Convention and of the established practice whereby non-governmental organizations are required to furnish proof of their non-profit, tax-exempt status in a State Member of the United Nations or of a specialized agency or of the International Atomic Energy Agency. The list will include all organizations that have requested and been accorded provisional admission to the work of the subsidiary bodies since COP 2.

27. In accordance with past practice, the SBI may request the Bureau of the COP to consider the list of applicants, prior to the third session, with a view to establishing that the organizations contained in the list do meet all requirements, and to authorize the secretariat to advise those applicants of their "pre-admittance status", on the understanding that the final authority for the admission of observers rests with the COP.

6. Initial organization of work

(a) Opening of the session

28. At the opening plenary meeting on 1 December, statements will be made by the outgoing President of the second session of the COP, the newly-elected President of the third session and the Executive Secretary. In addition, there may be one or more addresses of welcome. It is proposed that these be the only statements at the opening of the session. In addition, the first plenary meeting will also take up a number of organizational matters: sub-items 2 (a) to (f) of the possible elements of the provisional agenda.

(b) Allocation of tasks

29. At its fifth session, the SBI recommended that "after dealing with the opening and organizational matters, COP 3 would immediately allocate the completion of decisions on the Berlin Mandate process to a sessional committee of the whole, open to all delegations" (FCCC/1997/SBI/6 para. 44 (c)(ii)). Thus, item 3 of the provisional agenda would be allocated to the Committee of the Whole, which would recommend action thereon for adoption by the COP. By the end of the first week of the session, the Committee of the Whole should identify issues that require the attention of ministers during the ministerial segment.

30. The Committee of the Whole should also make arrangements for a comprehensive editorial and linguistic review of the draft instrument, to ensure consistency within the text and among the languages.

31. Other matters, including the consideration and adoption of decisions recommended by the subsidiary bodies, would be dealt with directly in plenary meetings. The number of meetings taking place simultaneously would be limited to two, to facilitate the work of small delegations. The President may refer drafting tasks to informal groups, as appropriate.

32. Taking into account the importance of the task entrusted to the Committee of the Whole and the need to ensure a smooth transition from the Ad Hoc Group on the Berlin Mandate (AGBM) to the Committee of the Whole, the SBI may wish to invite the President of COP 2 to start consultations, with a view to advising the newly-elected President of COP 3 on the election of the Chairman of the Committee of the Whole.

(c) Schedule of meetings

33. It is planned that services will be available for two parallel meetings with interpretation. A schedule of meetings constructed on this basis will be proposed in due course.

7. Ministerial segment

34. The SBI agreed to recommend that "In order to finalize the political negotiations on the outcome of the Berlin Mandate, a ministerial segment would take place from Monday, 8 December to Wednesday, 10 December when the final text of a protocol or another legal instrument would be adopted" (FCCC/1997/SBI/6 para. 44 (c)(iii)). It also requested the secretariat "to propose at its sixth session a cost effective and innovative way of organizing the ministerial segment, and providing ministers with adequate opportunities to exchange views on policy matters" (FCCC/1997/SBI/6, para. 44 (d)).

35. In considering this request, the secretariat has felt that ministers wishing to exchange views with their peers are not best served by an opportunity to make one of many statements for the record in a general debate. Such a traditional general debate is often poorly attended after the start and its duration does not encourage ministers to listen to the views of all their counterparts. Ministers may prefer a programme that enables them to engage in an informal, though structured, dialogue on policy matters and to contribute to political negotiations, while preserving opportunities to communicate statements for the record and address the media. This thinking underpins the proposals that follow for the organization of the ministerial segment.

36. Should there be interest in these proposals, the secretariat would develop them further, in consultation with the Bureau of the COP and the host Government of COP 3, as appropriate. By September, the arrangements for the ministerial segment would need to be firm and could be set out in the annotations to the provisional agenda and in the notification of COP 3. Participants could then organize their schedules in consequence.

(a) Opening addresses

37. It may be appropriate to launch the ministerial segment with addresses on behalf of the Government of Japan and the Secretary-General of the United Nations.

(b) Ministerial Round Table

38. The main opportunity for ministers to exchange views with each other could be provided by a ministerial round table, chaired by the President of the Conference. Building on the experience of the round table held at COP 2, the round table at COP 3 could break into two or three dialogue groups on broad policy issues related to the Convention. These groups would be chaired by ministers, who would each report the main lines of discussion in their group back to the round table. The President of the COP would sum up the proceedings of the round table in a statement to the COP, that would be recorded in the report of the session. This exercise could take up the first day of the ministerial segment, 8 December, with the President reporting to the COP at the start of the next day.

39. In order to encourage dialogue, the round table and its groups would be informal and off-the-record. Participation would be limited, essentially to ministers. However, heads of selected partner organizations and representatives of the main non-governmental constituencies could be invited to participate in the dialogue groups.

(c) General statements

40. Instead of the traditional general debate in plenary, ministers would be invited to make available written general statements which would be distributed to participants in COP 3, noted in its report and included in the Conference Web site. Facilities would also be available for ministers to address the media.

(d) Arrangements for participation by observer organizations

41. At its fifth session, the SBI requested the secretariat "to propose arrangements for the communication of views by heads of United Nations programmes and agencies, IGOs and NGOs" (FCCC/1997/SBI/6, para. 44 (e)).

42. At past sessions of the COP, observer organizations have been able to make general statements in plenary meetings. Heads of selected partner agencies, mainly of the United Nations system, have been invited to do so at the opening of the session. However, observer organizations have not been invited to contribute to the general debate during the ministerial segment.

43. In line with the foregoing organizational proposals for COP 3, it is proposed that observer organizations be accorded some access to the ministerial segment, through limited participation in the proposed dialogue groups of the ministerial round table (see paragraphs 38 and 39 above). It is further proposed that there be no oral statements in plenary by observer organizations, at the opening or otherwise. Such organizations would be invited to make available written statements for circulation which would be noted in the report of COP 3 and included in the Conference Web site.

(e) Political negotiations

44. The President of the COP will, as usual, consult ministers and other heads of delegations in finalizing the negotiations on the protocol or another legal instrument.

45. The final text of the protocol or another legal instrument would be submitted to the Plenary for adoption, in accordance with paragraph 6 of decision 1/CP.1 (FCCC/CP/1995/7/Add.1).

III. CALENDAR OF MEETINGS

46. The SBI took note of the calendar of meetings for 1997 and requested the secretariat to propose at its sixth session a calendar of meetings for 1998-1999 based on holding two blocks of sessions of the Convention bodies each year, each block comprising two weeks of meetings (FCCC/SBI/1997/5, para. 22).

47. A schedule of meetings for the October 1997 sessions of the Convention bodies is presented in annex I of this document. It will be reviewed by the Bureau of the COP when it meets on 8 August 1997.

48. Based on the availability of commercial conference facilities in Bonn and United Nations conference services, the secretariat has elaborated a tentative calendar of sessions for 1998-1999. Bodies of the Convention, including ad hoc groups established by the COP, could hold their sessions as follows:

(a) First sessional period in 1998: from 2 to 12 June;

(b) Second sessional period in 1998: from 16 to 27 November;

(c) First sessional period in 1999: Two weeks in March - April;

(d) Second sessional period in 1999: Two weeks in October - November.

49. A firm calendar is needed to enable the secretariat to make cost-effective arrangements for future meetings in Bonn. The link between the calendar, the secretariat's work load and the programme budget is a further reason for reaching a firm conclusion on the calendar at the sixth session of the SBI. At the same time, the precise dates of sessional periods in 1999 remain to be determined, within the ranges indicated. Accordingly, the SBI is invited to confirm the calendar proposed above and to request the secretariat to propose dates for the sessional periods in 1999, after consulting the Bureau of the COP.

IV. FOURTH SESSION OF THE COP (COP 4)

50. The SBI called on Parties to submit offers to host COP 4 by its sixth session. In accordance with the provisions of the Convention, the SBI will consider any potential offers and recommend the date and venue of COP 4 at its sixth session.

51. It may be recalled that the Bureau has recommended that, given the timing of COP 3 late in 1997, COP 4 could be held early in 1999 (FCCC/1996/INF.4). The Group of 77 and China have expressed concern over this recommendation, considering that COP 4 should be held in 1998 (FCCC/SBI/1997/Misc.2). Different points of view on this question continued to be expressed at the fifth session of SBI.

52 The SBI may wish to recommend to COP 3 a date for COP 4. In the absence of any offer from a Party to host COP 4, the SBI may wish to call for such offers to be made well in advance of its seventh session in October 1997. Should there be no offer at that time, the SBI may recommend to COP 3 that COP 4 be held in Bonn, the seat of the secretariat, in accordance with draft rule 3 of the draft rules of procedure, as applied.

Annex I

SCHEDULE OF MEETINGS

SESSIONS OF THE SUBSIDIARY BODIES
Bonn, 20 - 31 October 1997
(AGBM-8, SBSTA-7, SBI-7)

Mon. 20 Oct.		Tues. 21 Oct.		Wed. 22 Oct.		Thurs. 23 Oct.		Fri. 24 Oct.	
a.m.	p.m.	a.m.	p.m.	a.m.	p.m.	a.m.	p.m.	a.m.	p.m.
SBI	SBI	SBI	SBI	SBI	SBI	AGBM	AGBM	AGBM	AGBM
SBSTA	SBSTA	SBSTA	SBSTA	SBSTA	SBSTA	(TBA)	(TBA)	AGBM	AGBM

Mon. 27 Oct.		Tues. 28 Oct.		Wed. 29 Oct.		Thurs. 30 Oct.		Fri. 31 Oct.	
a.m.	p.m.	a.m.	p.m.	a.m.	p.m.	a.m.	p.m.	a.m.	p.m.
AGBM	AGBM	AGBM	AGBM	AGBM	AGBM	AGBM	AGBM	AGBM	AGBM
AGBM	AGBM	SBI	SBSTA	AGBM	AGBM	AGBM	AGBM	AGBM	AGBM

Annex II

THIRD SESSION OF THE CONFERENCE OF THE PARTIES: POSSIBLE ELEMENTS FOR THE PROVISIONAL AGENDA

1 Opening of the session

(a) Statement by the President of the second session of the COP.

[(b) Address[es] of welcome.]

(c) Election of the President of the Conference at its third session.

(d) Statement by the President.

(e) Statement by the Executive Secretary.

2 Organizational matters [1]

(a) Status of ratification of the Convention.

(b) Adoption of the rules of procedure.

(c) Adoption of the agenda.

(d) Election of officers other than the President.

(e) Admission of organizations as observers.

(f) Organization of work, including the establishment of a sessional Committee of the Whole.

(g) Calendar of meetings of Convention bodies 1998-1999.

(h) Date and venue of the fourth Conference of the Parties.

(i) Adoption of the report on credentials.

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[1] Sub-items (a) to (f) will be taken up at the opening plenary meeting. Sub-items (g) and (h) will be taken up later in the session. Sub-item (i) will, as usual, be dealt with at the closing meeting.

3. Amendments to the Convention and its Annexes:

   (a) Proposal to amend Article 4.3;

   (b) Proposal to amend Article 17;

   (c) Proposal to amend Annexes I and II.

4. Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate.

5. Review of the implementation of the Convention:

   (a) Reports of the subsidiary bodies and matters arising:

      (i) Report of the Subsidiary Body for Scientific and Technological Advice;

      (ii) Report of the Subsidiary Body for Implementation;

      (iii) Report of the Ad hoc Group on the Berlin Mandate;

      (iv) Report of the Ad Hoc Group on Article 13;

   (b) Development and transfer of technologies (Articles 4.1(c) and 4.5).

6. Ministerial segment:

   [(a) Opening addresses;

   (b) Ministerial round table: oral report by the President.]

7. Other matters.

8. Conclusion of the session:

   (a) Adoption of the report of the Conference of the Parties on its third session;

   (b) Closure of the session.

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